

**Rutherford County Office  
of Landfill Operations**

**Memo**

**To:** Public Works Committee-Rutherford County  
Joe Frank Jernigan, Chairman  
Robert Stevens, Vice Chairman

**From:** Mac Nolen  
Solid Waste / Landfill Director

**Date:** 11/26/2014

**Re:** November 2014 Class III & IV Demolition & Disposal

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CLASS III MATERIALS: (materials such as leaves, tree limbs/trunks, and other yard waste, etc...)

**Total Residential Brush.....19,060 lbs = 9.53 Tons**

CLASS IV MATERIALS: (commercial demolition such as wall-board, wood products, concrete products, roofing/ shingles, board fencing, most construction debris, etc...)

**Total Residential Demo .....38,960 lbs = 19.48 Tons**

**Total Commercial Dumping .....2,049,580 lbs = 1,024.79 Tons**

**Murfreesboro City--- Tipping waved---173,960 lbs = \$2,612**

**County Dumping 16,020 lbs = \$241**

**Total Revenue-----\$48,312**



STATE OF TENNESSEE  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Financial Responsibility  
William R. Snodgrass Tennessee Tower  
312 Rosa L. Parks Ave., 10<sup>th</sup> Floor  
Nashville, TN 37243  
(615) 532-0851

RECEIVED  
NOV 25 2014

November 19, 2014

The Honorable Ernest Burgess  
Rutherford County Mayor  
County Courthouse, Room 101  
Murfreesboro, Tennessee 37130

RE: Annual Inflation Adjustment of the financial assurance for *the Rutherford County Sanitary Landfill, Permit # SNL 75-0103* as required by the Regulations of the Division of Solid Waste Management.

Dear Mayor Burgess:

**All county and municipal "Contracts in Lieu of Performance Bonds" must be adjusted annually for inflation by no later than the anniversary date of the issuance of the contract.**

Rule Chapters 0400-12-01-.06(8) and 0400-11-01-.03(3) state that the inflation adjustment may be made by recalculating the closure and/or post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent Implicit Price Deflator for the Gross National Product published by the U.S. Department of Commerce in its Survey of Current Business.

The staff of the Division of Financial Responsibility, utilizing data published by the U. S. Department of Commerce, has projected the inflation factor to be used for 2015 inflation adjustments as **1.55%**. The amount of your financial assurance instrument(s) from the Year 2014 must be multiplied by **1.0155**. The permitted facility and/or the Department may reserve the right to adjust this figure later based upon revised data released by the U.S. Department of Commerce during the year.

**Effective immediately, any County or Municipal Contract in Lieu of Performance Bond incurring an annual inflation adjustment shall not be processed by amendment until the cumulative amount of the adjustment(s) equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00). This is a change from the previous threshold of Five Thousand Dollars (\$5,000). For example, if the inflation adjustment is \$4,000 in year one, \$5,000 in year two, and \$6,000 in year three, the amendment will be processed in year three when the total of adjustments exceeds \$10,000. We will continue to send your inflation adjustment figures annually for your records whether or not a contract amendment is required.**

Please review the amount(s) listed for each permit listed below. If any changes or modifications to your permit(s) have occurred, please contact us as soon as you receive this letter. The due date(s) and projected amount(s) for the inflation adjustment(s) of your financial instrument(s) are as follows:

Facility Permit #:	Financial Instrument Type & No.:	Financial Instrument Anniversary Due Date:	Present Amount of Financial Assurance "On File"	Inflation Adjustment / Increase Required:	Inflation Adjustment and Allowable Post-Closure Reduction:	Total "Required" Amount of Financial Assurance:
SNL 75-0103	Contract	01-03-15	\$ 3,096,951.00	\$	\$ 148,556.00	\$ 2,948,394.00

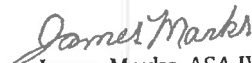
Please see the attached spreadsheets, which list in detail the amount of financial assurance required due to the 2014 annual inflation adjustment and/or post closure reduction (if applicable) for your permit(s). The spreadsheets also list the current amount of financial assurance on file for each permit.

**PLEASE NOTE**

- (1) Any County and/or Municipal Contract In Lieu of Performance Bonds incurring an annual inflation adjustment shall not be processed by amendment until the amount of the adjustment equals or exceeds TEN THOUSAND DOLLARS (\$10,000.00).

If you have any questions, please call me at (615) 532-0848 or you may email me at [james.marks@tn.gov](mailto:james.marks@tn.gov) if you would like to receive an electronic blank contract via email, please let me know.

Respectfully,

  
James Marks, ASA IV  
Municipal & County Contract Administrator  
TDEC – Division of Financial Responsibility

CC: AL Majors, Manager of Solid Waste Management, Nashville Field Office, TDEC

Enclosure: Customer Information Spreadsheet

## Amendment of Contract in Lieu of Performance Bond

Whereas, Rutherford County and the State of Tennessee Department of Environment and Conservation, entered into a Contract in Lieu of Performance Bond for proper operation and closure and/or post-closure of the Rutherford County Sanitary Landfill, Permit Number(s) SNL 75-0103; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$3,096,951.00 from any funds being disbursed or to be disbursed from the State to the County of Rutherford as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and the County of Rutherford desire to change the amount of said financial assurance from \$3,096,951.00 to \$ 2,948,394.00.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$3,096,951.00" is deleted and the figure "\$2,948,394.00" is substituted in lieu thereof.

Date of Amendment to Contract November 19, 2014  
(Must have date of Official's signature)

\_\_\_\_\_  
Commissioner  
Department of Environment  
and Conservation

\_\_\_\_\_  
Title: \_\_\_\_\_  
For the County of: \_\_\_\_\_

\_\_\_\_\_  
Commissioner  
Department of Finance  
and Administration



\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

\_\_\_\_\_  
Title: \_\_\_\_\_  
For: \_\_\_\_\_

(Please Type or Complete Form in Ink and Submit Three (3) Signed Originals of this Document)

**Amendment of Contract in Lieu of Performance Bond**

Whereas \_\_\_\_\_ and the State of Tennessee Department of Environment and Conservation, entered into Contract in Lieu of Performance Bond (Copy attached) for proper operation and closure and/or post-closure of the \_\_\_\_\_, Register Number \_\_\_\_\_; and

Whereas, said contract included a provision allowing the Commissioner of Environment and Conservation to collect up to \$ \_\_\_\_\_ from any funds being disbursed or to be disbursed from the State to the \_\_\_\_\_ as financial assurance for said proper operation, closure and post-closure; and

Whereas, the State and \_\_\_\_\_ desire to change the amount of said financial assurance from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

Paragraph 3 of the Agreement in Lieu of Performance Bond is amended as follows:

The figure "\$ \_\_\_\_\_" is deleted and the figure  
"\$ \_\_\_\_\_" is substituted in lieu thereof.

Date of Amendment to Contract \_\_\_\_\_, **2015.**

\_\_\_\_\_  
Commissioner  
Department of Environment  
and Conservation.

\_\_\_\_\_  
Title \_\_\_\_\_  
For the County of \_\_\_\_\_

\_\_\_\_\_  
Commissioner  
Department of Finance  
and Administration

\_\_\_\_\_  
Title \_\_\_\_\_  
For \_\_\_\_\_

\_\_\_\_\_  
Title \_\_\_\_\_  
For \_\_\_\_\_

(Please Type or Complete Form in Ink and Submit 3 Signed Originals of this Document)

# FINANCIAL RESPONSIBILITY

## CUSTOMER DATABASE

<b>DIVISION</b>	Solid Waste Management			<b>Evaluated by:</b>	JEM
<b>(UST ONLY)</b>	<input type="checkbox"/> FUND PARTICIPANT <input type="checkbox"/> ELIGIBILITY ASSUMED	<input type="checkbox"/> FUND PARTICIPANT <input type="checkbox"/> NOT FUND ELIGIBLE	<input type="checkbox"/> NOT PARTICIPATING IN THE FUND		
<b>OWNER/ OPERATOR NAME</b>	Rutherford County, TN				
<b>ADDRESS</b>	County Courthouse, Room 101				
	Murfreesboro, TN 37130				
<b>CONTACT PERSON</b>	Mr. Ernest Burgess				
<b>TITLE</b>	Mayor (Rutherford County, TN)				
<b>TELEPHONE #</b>	(615) 898-7745				
<b>FAX NUMBER</b>					
<b>CORPORATE PARENT/OWNER</b>					
<b>EMAIL ADDRESS</b>	eburgess@rutherfordcountyttn.gov				
<b>CONTACT PERSON</b>					
<b>TITLE</b>					
<b>TELEPHONE #</b>					
<b>FAX NUMBER</b>					
<b>HW INSTALLATION ID # (EPA)</b>					
<b>SOLID WASTE PERMIT #</b>	SNL 75-0103				
<b>UST OWNER ID #</b>					
<b>RADIOLOGICAL HEALTH PERMIT #</b>					
<b>SUPERFUND PERMIT #</b>					
<b>GEOLOGY (OIL &amp; GAS) PERMIT #</b>					
<b>WATER POLLUTION CONTROL (SURFACE MINING) PERMIT #</b>					

[illegible][illegible][illegible][illegible]

6000 Landfill Road, Murfreesboro, TN

Summary Sheet							
Amount of Financial Assurance Required							
PERMIT ID # OR FACILITY ID # (s)	AMOUNT OF CLOSURE OPERATING CONTINGENCY REQUIRED (A)	AMOUNT OF POST- CLOSURE REQUIRED (B)	AMOUNT OF 3RD PARTY LIABILITY REQUIRED (C)	AMOUNT OF CORRECTIVE ACTION REQUIRED (D)	INSTRUMENT TYPE AND ISSUE DATE (E)	ISSUING INSTITUTION (F)	TOTAL AMOUNT OF FINANCIAL ASSURANCE (G)
SNL 75-0103	CLOSED	\$2,948,393.44					\$2,948,393.44
<b>Total Required</b>	\$0.00	\$2,948,393.44	\$0.00	\$0.00		Total (A,B,C,D) \$2,948,393.44	

Amount of Financial Assurance On File							
PERMIT ID # OR FACILITY ID#(s)	AMOUNT OF CLOSURE OPERATING CONTINGENCY ON FILE (AA)	AMOUNT OF POST- CLOSURE ON FILE (BB)	AMOUNT OF 3RD PARTY LIABILITY ON FILE (CC)	AMOUNT OF CORRECTIVE ACTION ON FILE (DD)	INSTRUMENT TYPE AND ISSUE DATE (E)	ISSUING INSTITUTION (F)	TOTAL AMOUNT OF FINANCIAL ASSURANCE (G)
SNL 75-0103	CLOSED	\$3,096,950.27			C 1/3/2003	Rutherford Co	\$3,096,950.27
<b>Total on File</b>	\$0.00	\$3,096,950.27	\$0.00	\$0.00		Total (AA,BB,CC,DD) \$3,096,950.27	
Net amount overfunded as of 11/19/2014	+\$0.00	+\$148,556.83					+\$148,556.83
ABBR. C - CONTRACT CB - CASHBOND, CHECK OR CASH CD - CERTIFICATE OF DEPOSIT CG-FT - CORPORATE GUARANTEE FINANCIAL TEST CI - CERTIFICATE OF INSURANCE FT - FINANCIAL TEST GG - GOVERNMENT GUARANTEE LC - LETTER OF CREDIT PB - PERFORMANCE BOND S - SECURITIES TF - TRUST FUND							



## Attachment 2 : Calculating Financial Assurance From the Beginning To the End of the Post Closure Care Period

Facility : Rutherford County Landfill  
Permit# : SNL 75-0103

X This site closed in 2000 and is required to have 30 years of post closure care.  
At closure in 2000 the cumulative inflation adjusted total of post closure was \$4,397,600.00.  
or

This site has not yet begun post closure. The scheme below is simply an example of how post closure financial assurance will be adjusted annually for inflation.

This example assumes that the facility closed in \_\_\_\_\_ and is required to have \_\_\_\_\_ years post closure.  
At closure, the cumulative inflation adjusted post-closure amount was \$\_\_\_\_\_. Each successive year after closure, the post-closure amount is reduced by approximately one year's post-closure expense and the outstanding dollar amount of post-closure is adjusted for inflation.

Calculation of Post Closure With Annual Inflation Adjustments After Closure of the Waste Management Unit							
EACH YEAR FOLLOWING CLOSURE (A)	ANNUAL INFLATION FACTOR (B)	SUM OF REMAINING YEARS COST OF POST CLOSURE (C)	NUMBER OF YEARS REMAINING IN POST CLOSURE (D)	APPROXIMATELY ONE YEAR REDUCTION IN POST CLOSURE COST (E)	ESTIMATED AMOUNT OF POST CLOSURE FOR REMAINING YEARS (F)	INFLATION ADJUSTMENT FOR THE REMAINING YEARS (G)	AMOUNT OF POST CLOSURE FINANCIAL ASSURANCE DUE THIS YEAR (H)
Year(row)	row27	Formula=H26	Year(s)	=C27/D27	=C27-E27	=F27*B27	=G27
2000	1.015						\$4,397,600.00
2001	1.021	\$4,397,600.00	30	\$146,586.67	\$4,251,013.33	\$4,340,284.61	\$4,340,284.61
2002	1.022	\$4,340,284.61	29	\$149,664.99	\$4,190,619.63	\$4,282,813.26	\$4,282,813.26
2003	1.011	\$4,282,813.26	28	\$152,957.62	\$4,129,855.64	\$4,175,284.05	\$4,175,284.05
2004	1.017	\$4,175,284.05	27	\$154,640.15	\$4,020,643.90	\$4,088,994.85	\$4,088,994.85
2005	1.022	\$4,088,994.85	26	\$157,269.03	\$3,931,725.82	\$4,018,223.79	\$4,018,223.79
2006	1.027	\$4,018,223.79	25	\$160,728.95	\$3,857,494.83	\$3,961,647.19	\$3,961,647.19
2007	1.030	\$3,961,647.19	24	\$165,068.63	\$3,796,578.56	\$3,910,475.92	\$3,910,475.92
2008	1.027	\$3,910,475.92	23	\$170,020.69	\$3,740,455.23	\$3,841,447.52	\$3,841,447.52
2009	1.024	\$3,841,447.52	22	\$174,611.25	\$3,666,836.27	\$3,754,840.34	\$3,754,840.34
2010	1.012	\$3,754,840.34	21	\$178,801.92	\$3,576,038.42	\$3,618,950.88	\$3,618,950.88
2011	1.010	\$3,618,950.88	20	\$180,947.54	\$3,438,003.33	\$3,472,383.37	\$3,472,383.37
2012	1.024	\$3,472,383.37	19	\$182,757.02	\$3,289,626.35	\$3,368,577.38	\$3,368,577.38
2013	1.019	\$3,368,577.38	18	\$187,143.19	\$3,181,434.19	\$3,241,881.44	\$3,241,881.44
2014	1.015	\$3,241,881.44	17	\$190,698.91	\$3,051,182.53	\$3,096,950.27	\$3,096,950.27
2015	1.016	\$3,096,950.27	16	\$193,559.39	\$2,903,390.88	\$2,948,393.44	\$2,948,393.44